

HOUSE BILL REPORT

HB 1314

As Reported by House Committee On:
Local Government

Title: An act relating to clarifying the authority of port districts to deliver water through a public water system.

Brief Description: Clarifying the authority of port districts to deliver water through a public water system.

Sponsors: Representatives Jacks, Walsh, Takko, Nealey, Blake and Fitzgibbon.

Brief History:

Committee Activity:

Local Government: 2/1/11, 2/8/11 [DP].

Brief Summary of Bill

- Modifies the authority of port districts to expressly allow the delivery of water to a public water system for municipal water supply purposes.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Takko, Chair; Tharinger, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Fitzgibbon, Rodne, Smith, Springer and Upthegrove.

Staff: Miranda Leskinen (786-7291) and Ethan Moreno (786-7386).

Background:

Port districts, which are a type of special purpose district, build and operate shipping terminals, motor vehicle transfer and terminal facilities, marinas and docks, airports, railroads, industrial sites, and parks and recreational facilities. A port commission, consisting of three or five elected commissioners who serve four or six-year staggered terms of office, governs each port district.

Port district authority is diverse and includes the following general powers:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- land lease, sale, and acquisition, including exercise of the right of eminent domain;
- levy assessment and collection;
- facilities and commodities construction, condemnation, purchase, acquisition, maintenance, operation, transportation, and improvement; and
- foreign trade zone establishment, operation, and maintenance.

With respect to sewer and water utilities, port districts may acquire, construct, install, improve, and operate sewer and water utilities for itself and other property owners, subject to rates and conditions established by the port commission. However, port districts are prohibited from entering into agreements or contracts to provide water and or water utilities where there are similar utilities or facilities willing and able to provide reasonable service unless the other utility or facility gives consent for a port district to provide these services.

Summary of Bill:

The authority of port districts is modified to expressly allow for the delivery of water, treated or raw, to a public water system for municipal water supply purposes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Successful ports are powerful engines of growth for the communities they serve. Delivering water to public water systems is an existing practice used by port districts around the state to help meet local community needs, particularly for small communities with limited resources. However, port authority needs to be clarified and strengthened to enable port districts to continue benefitting communities by filling critical public infrastructure gaps and promoting economic growth for local communities.

(With concerns) This issue has created a problem in the past that was resolved through an interlocal agreement. Clarification is needed to require an interlocal agreement between the water-sewer district and the port district before the port district may provide water or sewer facilities to its own property or other property that is served by a water-sewer district under an approved water or wastewater comprehensive plan or a coordinated water system plan under the Public Water System Coordination Act.

Additionally, in order to prevent negative impacts on existing water rights, these transfers of water for municipal water supply purposes need to be processed and reviewed by the Department of Ecology.

(Opposed) None.

Persons Testifying: (In support) Representative Jacks, prime sponsor; Johan Hellman, Washington Public Ports Association; and Jim Kuntz, Port of Walla Walla.

(With concerns) Joe Daniels, Washington State Association of Water and Sewer Districts; and Dawn Vyvyan, Yakama Nation, Puyallup Tribe of Indians.

Persons Signed In To Testify But Not Testifying: None.